

A/FWC

Attorney Docket No.: **P0833P1C1**  
PATENT

**CERTIFICATION UNDER 37 CFR 1.10**

TB 835 479 073 US: Express Mail Number

November 5, 1997: Date of Deposit

I hereby certify that this File Wrapper Continuing Application (FWC) Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Aida A. Miclat  
Aida A. Miclat

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PRIOR APPLICATION Serial No. 08/256,418  
PRIOR APPLICATION Examiner: Gambel, P.  
Prior Art Unit: 1816

#19/C  
r. Miclat  
1/12/98

Box FWC  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL**

This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation  
☐ divisional  
☐ continuation-in-part (for oath or declaration see III below)  
☐ attached is an amendment for added subject matter  
☐ continuing application to permit consideration of an Information Disclosure Statement under 37 CFR 1.97

**PARTICULARS OF PRIOR APPLICATION**

- A. Application Serial No. 08/256,418 filed 11 July 1994.
- B. Title (as originally filed:        INHIBITION OF LEUKOCYTE ADHESION  
and as last amended):
- C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s):

1. Full Name of Inventor	Family Name Lasky	First Given Name Laurence	Second Given Name A
Residence & Citizenship	City Star Route Box 460, Sausalito	State or Foreign Country CA	Country of Citizenship USA
Post Office Address	Post Office Address 460 Point San Bruno Blvd.	City South San Francisco	State & Zip Code/Country California, 94080 USA
2. Full Name of Inventor	Family Name Baumhueter	First Given Name Susanne	Second Given Name
Residence & Citizenship	City 3733 Country Club Drive, Redwood City	State or Foreign Country CA	Country of Citizenship Germany
Post Office Address	Post Office Address 1 DNA Way	City South San Francisco	State & Zip Code/Country California, 94080 USA
3. Full Name of Inventor	Family Name Rosen	First Given Name Steven	Second Given Name D
Residence & Citizenship	City 828 Clayton Street, San Francisco	State or Foreign Country CA	Country of Citizenship USA
Post Office Address	Post Office Address 1 DNA Way	City South San Francisco	State & Zip Code/Country California, 94080 USA
4. Full Name of Inventor	Family Name Singer	First Given Name Mark	Second Given Name S.
Residence & Citizenship	City 1915 Grant Street, Berkeley	State or Foreign Country CA	Country of Citizenship 94703
Post Office Address	Post Office Address 1 DNA Way	City South San Francisco	State & Zip Code/Country California, 94080 USA

Continued on added page for Inventor's Data

The above-identified application, in which no payment of issue fee, abandonment of (other than where the above-identified application was abandoned under 37 CFR 1.131(b)(5) to permit consideration of an information disclosure statement under 37 CFR 1.97), or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## II. Inventorship Statement

[complete applicable item (a), (b), and/or (c) below]

- (a)   x   This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are:  
  x   the same  
       less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

- (b)        This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are:  
       the same  
       add the following additional inventor(s):

- (c) ☐ The inventorship for all the claims in this application is  
       ☐ the same  
       ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

### III. Declaration or Oath

A. Continuation or Divisional

☒ none required

B. Continuation-in-part

☐ attached

executed by *[check all applicable items]*

☐ inventor(s).

☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *[See item VIII below for fee.]*

☐ not attached

### IV. Identification of Claims for Further Prosecution

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment.  
☒ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.  
☐ the claims on file in the prior application.

### V. Fee Calculation (37 CFR 1.16)

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$ 790.00
Total Claims	12	- 20 =	0	X \$22.00	\$0.00
Independent Claims	4	- 3 =	0	X \$82.00	\$0.00
<u>0</u> Multiple dependent claim(s), if any				+ 270.00	\$0.00
Filing Fee Calculation					\$790.00

☐ There is provided herewith a Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

## VI. Fee Payment Being Made at This Time

ATTACHED

<input checked="" type="checkbox"/>	filing fee	\$ 790
<input type="checkbox"/>	recording assignment (\$40.00; 37 CFR 1.21(h)) [see item XII below]	\$
<input type="checkbox"/>	petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(h))	\$
<input type="checkbox"/>	processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(l))	\$
<b>TOTAL FEE ENCLOSED:</b>		<b>\$ 790</b>

## VII. Method of Payment of Fees

<input checked="" type="checkbox"/>	charge Account No. 07-0630 in the amount	\$ 790
<input checked="" type="checkbox"/>	A duplicate of this request is attached.	

## VIII. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and §1.17 to Deposit Account No. 07-0630.

## IX. Instructions as to Overpayment

<input checked="" type="checkbox"/>	credit Account No. 07-0630
<input type="checkbox"/>	refund

## X. Priority -- 35 U.S.C. 119

☐ Priority of application Serial No. filed on in is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed on in prior U.S. application Serial No. , which prior application was filed on .

☐ certified copy will follow.

## XI. Relate Back -- 35 U.S.C. 120

☒ Amend the specification by inserting before the first line the sentence:

--This is a

<input checked="" type="checkbox"/>	continuation
<input type="checkbox"/>	divisional
<input type="checkbox"/>	continuation-in-part

of co-pending application(s)

☒ Serial No. 08/256,418 filed on 11 July 1994, which application is a 371 of PCT/US94/03791 filed April 6, 1994, which application is a continuation of U.S. Serial No. 08/056,454 filed May 3, 1993, now abandoned, which applications are incorporated herein by reference and to which applications priority is claimed under 35 USC §120.--

☐ International Application filed on which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120.--

Sub E1  
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**XII. Assignment**

  X   the prior application is assigned of record to GENENTECH, INC.

       an assignment of the invention to is attached. (Attach with Recordation Form).

**XIII. Power of Attorney**

The power of attorney in the prior application is to:

Walter E. Buting - Reg. No. 23,092  
Ginger R. Dreger - Reg. No. 33,055  
Janet E. Hasak - Reg. No. 28,616  
Sean A. Johnston - Reg. No. 35,910

Dennis G. Kleid - Reg. No. 32,037  
Richard B. Love - Reg. No. 34,659  
Daryl B. Winter - Reg. No. 32,637

- a.   x   The power appears in the original papers in the prior application.
- b.        The power does not appear in the original papers, but was filed on .
- c.        A new power has been executed and is attached.
- d.   X   Address all future communications to:

GENENTECH, INC.  
Attn: Ginger R. Dreger  
1 DNA Way  
South San Francisco, CA 94080-4990  
(650) 225-3216

*[Item d may only be completed by applicant or agent of record].*

**XIV. Maintenance of Copendency of Prior Application**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

       A petition, fee and response has been filed to extend the term in the pending prior application until

  x   A copy of the petition for extension of time in the *prior* application is attached.

**XV. Conditional Petitions for Extension of Time in Prior Application**

       A conditional petition for extension of time is being filed in the pending prior application

       A copy of the conditional petition for extension of time in the *prior* application is attached.

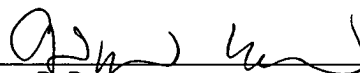
**XVI. Abandonment of Prior Application**

  X   Please abandon the prior application at a time when the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XI above.

**XV. Information Disclosure Statement**

\_\_\_\_\_ Submitted herewith is an Information Disclosure Statement.

Dated: November 4, 1997

  
\_\_\_\_\_  
Ginger R. Dreger  
Registration No. 33,055

GENENTECH, INC.  
1 DNA Way  
South San Francisco, CA 94080-4990  
(650) 225-3216

\_\_\_\_\_ Inventor  
\_\_\_\_\_ Assignee of complete interest  
\_\_\_\_\_ Person authorized to sign for assignee  
  x   \_\_\_\_\_ Attorney or agent of record  
\_\_\_\_\_ Filed under rule 34(a)

650 225 3216